

REMARKS

In accordance with the foregoing, claims 4 and 7-9 have been cancelled without prejudice or disclaimer, claims 1-3, 5, 6, and 10-15 have been amended, and claims 16 and 17 have been added. No new matter is being presented, and approval and entry are respectfully requested. 4 and 7-9, AMEND claims 1-15 and ADD new claims 16 and 17

Claims 1-3, 5, 6, and 10-17 are pending and under consideration. Favorable consideration is respectfully requested.

In a phone interview on January 8, 2007, the Examiner indicated that the inclusion in the Office Action of items 1, 2, and 3, directed respectively to the priority, the drawings objection, and the objection to the title, was an oversight, and that the Amendment filed September 29, 2006 was fully responsive to the drawings objection, and the objection to the title.

Claims 1-5, 10-12, and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Iwaki (JP 407037313 – hereinafter Iwaki). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

Claims 6-9, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Iwaki. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

Amended, independent claim 1 recites: "A system, comprising: a disc cartridge including a shutter and a reference surface having a reference area and a low area...; and an apparatus for loading the disc cartridge in a drive...comprising a tray to accommodate the disc cartridge and comprising an interference portion which protrudes from an upper surface of the tray...wherein: when the disc cartridge is received on the tray in a normal orientation, the interference portion is received within another portion of the low area, contiguous with a portion in which the shutter moves, without interfering with a movement of the shutter in the low area, and when the disc cartridge is accommodated on the tray in an abnormal orientation, the interference portion contacts and interferes with the reference area such that the cartridge is blocked by the blocking element as the tray moves toward the opening of the drive."

Amended, independent claim 3 recites: "A system, comprising: a disc cartridge, which holds a disc and includes a first surface...a second surface...and a shutter that is moveable on a portion of the second surface...; and a housing...comprising a case having an opening and a blocking element, and a tray on which the disc cartridge is accommodated at an accommodation

position and which includes an interfering element...wherein: if the disc cartridge is accommodated in the first orientation, the interfering element is received at another portion of the second surface contiguous with the portion in which the shutter moves, and the tray and the accommodated disc cartridge are moveable into the case, past the blocking element, through the opening, and if the disc cartridge is accommodated in the second orientation other than the first orientation, the interfering element is received at the first surface, and the tray and the accommodated disc cartridge are blocked by the blocking element and are not received into the case through the opening."

Applicant respectfully submits that Iwaki does not teach or suggest at least the aforementioned features.

Iwaki relates to a disk device and describes an arrangement including a box body 1 with an extendable tray 2 having a support plate 6 and guide projecting sections 8. Additionally, disk cartridge 3 has a shutter 3f, a reference surface, and recessed sections 3a, recessed from the reference surface and corresponding to guide projecting sections 8. When disk cartridge is properly inserted into tray 2, guide projecting sections 8 are housed within recessed sections 3a and tray 2 can convey disk cartridge 3 into the box body 1. Conversely, when disk cartridge is not properly inserted into tray 2, guide projecting sections 8 engage the reference surface and raise the disc cartridge 3 such that if tray 2 attempts to convey disk cartridge 3 into box body 1, disk cartridge 3 encounters projecting section 10. (See Iwaki, at Abstract and FIGS. 1-3).

The Office Action contends that the recessed sections 3a are low areas. (See Office Action, at page 3). But as illustrated in FIG. 2 of Iwaki, the recessed sections 3a are separated from the reference surface on which the shutter 3f moves. Thus, these alleged low areas cannot meet the aforementioned features of independent claims 1 and 3 since they are not included in the reference surface on which the shutter moves.

Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of independent claims 1 and 3 under 35 U.S.C. §102.

Regarding the rejection under §103, Applicant respectfully submits that the aforementioned express teaching of a recessed area 3a separated from the reference surface precludes Iwaki from suggesting the aforementioned features of independent claims 1 and 3.

Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

New, independent claim 16 recites: "...A system, comprising: a disc cartridge...comprising a reference surface and a low area recessed from the reference surface...and a shutter movable in the low area...; and a housing to accommodate and load the disc cartridge, the housing comprising a case having a blocking element disposed at an opening thereto, and a tray...comprising an interfering element...positioned such that when the disc cartridge is accommodated in the first orientation, the interfering element interacts with another portion of the low area, contiguous with the portion in which the shutter moves, without interfering with a range of motion of the shutter, and when it is attempted to move the tray into the housing, the tray and the accommodated cartridge are received into the case through the opening, and when the disc cartridge is accommodated in the second orientation other than the first orientation, the interfering element interacts with the reference surface and when it is attempted to move the tray into the housing, the tray and the accommodated cartridge are blocked by the blocking element and are not received into the case through the opening.

Applicant respectfully submits that for at least similar reasons as those stated with respect to the rejection under 35 U.S.C. §§102 and 103, new claims 16 and 17 patentably distinguish over the cited art and should be allowable.

In accordance with the foregoing, Applicant respectfully submits that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.


Serial No. 10/722,564

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 7, 2007

By: 
Michael A. Bush
Registration No. 48,893

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501